

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Bondjers, Wiklund, and Wikstrand**

Serial No.: **10/824,170**

Group Art Unit: **1617**

Filed: **April 14, 2004**

Examiner: **Jennifer M. Kim**

Confirmation No.: **6354**

Title: **Combination Of A Betablocker And A Cholesterol-Lowering Agent**

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Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement mailed October 29, 2007 in regard to the above-identified patent application. The period for responding to the Restriction Requirement has been extended, by enclosure of a petition and fee, to and through February 29, 2008.

The Examiner has restricted claims 1-36 into two groups: Group I (containing claims 1-25) "drawn to a pharmaceutical combination comprising a betablocker and an HMG-CoA reductase inhibitor" and Group II (containing claims 26-36) "drawn to a method for prophylactic or therapeutic treatment of a patient suffering from, or susceptible to, atherosclerosis, comprising a betablocker and a cholesterol lowering agent" (see page 2 of the Restriction Requirement). Applicants elect Group I, containing claims 1-25.

The Examiner further asserts that Applicants are required to elect a single species of a cholesterol-lowering agent. Although Applicants submit that the entire scope of the claims within elected Group I should be searched, to the extent that an election of species is requested, Applicants elect (E)-7-[4-(4-fluorophenyl)-6-isopropyl-2-[methyl-(methylsulfonyl)-amino]-

pyrimidin-5-yl](3R,5S)-3,5-dihydroxyhept-6-enoic acid (also known as rosuvastatin), or a pharmaceutically acceptable salt thereof.

Within elected Group I, claims 1-10, 12-22, and 24-36 read on the elected species.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.# 38534/

Paul K. Legaard, Ph.D.

Date: 25 February 2008

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